UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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2614	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

1.   Applicant's amendment filed 1/14/2011 has been carefully considered and has

been entered. Current standing of the claims:

Claims amended: 1- 19.

Claims pending: 1-19 with claim 1 being independent.

Response to Arguments

On 1/5/2011, applicant's representatives and examiner had an interview (please

see the interview sum for detail) wherein at the conclusion of the interview, examiner, in

the Spirit and Practice of Compact Prosecution, promised to review/search the

amendment and would give a call to the representative of record the

findings/assessment if we can move the case forward.

On 4/25/11, examiner made a call to the representative of record to inform the

overall action that examiner would take. Examiner also offered the representative an

opportunity to call back to discuss if the representative can provide any insight to

advance the case.   Also on the same day, a receptionist/secretary from the

representative of record called indicating that the representative would call back as

soon as possible. As of mailing date of this action, examiner has not heard from the

representative and thus examiner must issue a Non-final action.

On the remark dated 1/14/11, applicant argues that claim 1 of the current

application requires three entities (page 8):

> **Claim 1 requires three entities: (i) a caller who requests a call**
> **connection to (ii) a call recipient and (iii) a telephony service location remote from the**
> **caller and**
> **call recipient.**

**In contrast, Albal teaches only two entities: (i) a communication device and (ii) a
communication node, for accessing telephony services. *(See,* col. 4, lines 54-64 and col. 6,
lines
33-44) More specifically, referring to Fig. 1, the Albal reference only teaches a
communication
connection between a user 20 (or 32) and communication node 16. *(See,* col. 1, lines 61-67)
Thus, there is no teaching in Albal describing the claimed three entity configuration.**

**As discussed with the Examiner, the Office Action inaccurately states that a
communication connection is established between the users 20 and 32 via communication
node 16.**

While Fig. 1 certainly points out that there are three required entities (subscriber

20, subscriber 32 and communication node 16) to make up for the communication), it is

unclearly if the subscribers 20 and 32 make connection. It is quite obvious to the

ordinary artisan that the two subscribers would be talking. However examiner would

provide new art to explicitly teach the connection between the caller and caller via a

remote node and activities occur prior to the communication connection.. Thus the

Remark is moot. Please see the rejection below.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in
> public use or on sale in this country, more than one year prior to the date of application for patent in
> the United States.

3.   Claims 1, 4-7 and 14-18 are rejected under 35 U.S.C. 102(b) as being

anticipated by Infosino (US Pub 2002/0034280 – Previously disclosed).

Claim 1, Infosino teaches a method of operating a telephony service on a

telephony network, the method comprising:

at a telephony service location **(Fig. 1, label 130 of network 110)** remote from a caller **(calling party Bill/user device 100)** and a call recipient **(called party Ted/user device 120). See also [0018-0020, 0038].**

receiving, from the caller, a request for establishing a connection to the call recipient, the request having been initiated by the caller dialing a number associated with the call recipient **(As a practical example of the above embodiment, assume that Bill wishes to call Ted using the telephone (user device) 100. Bill picks up the handset of his telephone and dials the telephone number for Ted's telephone (user device) 120. The call is routed by way of LAPs 105 and 115 and switches within the network 110 through the customized service processor 130 to Ted's telephone 120, [0038]; Alternatively, rather than having to wait until a communication connection is established between Bill and Ted before obtaining a voice input message, the customized service processor 130 may obtain a voice input message before attempting to complete the communication connection, [0039]);** via a network device during a call process **(The call is routed by way of LAPs 105 and 115 and switches within the network 110 through the customized service processor 130, [0038]),** wherein the call process includes at least one of a group consisting of a call dial phase **(Bill picks up the handset of his telephone and dials the telephone number for Ted's telephone (user device) 120, [0038]),** a call set up phase **(setting user communication parameters for a voice communication between a calling party and a called party, Abstract, [0029]; the communication parameters may be established before the attempt is made to complete the**

communication connection to Ted, [0039]), a logical association phase, and a call

connect phase;

receiving a command signal during <u>a call connect process, the call connect</u>

<u>process </u>including at least one of <u>a group consisting of a </u>call dial phase **(Bill picks up**

the handset of his telephone and dials the telephone number for Ted's telephone

(user device) 120, [0029, 0038]), <u>a </u>call set-up phase **(setting user communication**

parameters for a voice communication between a calling party and a called party,

Abstract, [0029]; the communication parameters may be established before the

attempt is made to complete the communication connection to Ted, [0039])), a

logical association phase, and a call connect phase; and

<u>in response to receiving the command signal, initiating a service other than a</u>

<u>standard call connection transaction, wherein the command signal is received from a</u>

<u>communication device of either the caller or call recipient </u>**(The customized service**

processor 130 has access to at least one user profile database 135 that stores

information pertaining to the preferred communication settings of registered

users, [0019] to extract the voice pattern feature, [0024] for setting other services,

such as calling waiting, call block, monthly billing statement, limit on the

communication time, [0025]).

Claim 4, Infosino teaches transmitting a prompt indicating a request to provide

the command signal **(the voice recognition device 230 determines if the extracted**

voice pattern features match any of the voice pattern features retrieved from the

database 135, [0036]).

Claims 5 and 6, Infosino teaches the service is automatically initiated in

response to at least one criteria; and at least one criteria is an attribute associated with

the caller or call recipient **(the registration of the users requires that the user**

provide a sample voice pattern, having sample voice pattern features, and

preferred communication settings. The sample voice pattern features and the

preferred communication settings are used to set communication parameters

when the user uses the user device, [0005]; If a match is found within a

predetermined tolerance, the voice identification device 230 provides the identity

of the match to the controller 200. The controller 200 then retrieves the

communication settings associated with the user identified by the voice

identification device 230 and issues command signals to set the communication

parameters in accordance with the user's communication settings, [0031, 0043]).

Claim 7, Infosino teaches the command signal is <u>initiated </u>by the caller prior to the

call connect phase **(assume that Bill wishes to call Ted using the telephone (user**

device) 100. Bill picks up the handset of his telephone and dials the telephone

number for Ted's telephone (user device) 120. The call is routed by way of LAPs

105 and 115 and switches within the network 110 through the customized service

processor 130 to Ted's telephone 120, [0038]).

Claim 14, Infosino teaches the command signal is received from a telephone,

and wherein the telephone, upon activation of a biometric trigger, transmits the

command signal **(voice pattern, [0021, 0024, 0028]).**

Claim 15, Infosino teaches the command signal comprises an audio tone transmitted from a mobile telephone **(audio receiver of a mobile device, [0006]).**

Claim 16, Infosino teaches automatically associating a function indicated by the command signal with the caller as identified by a telephone number of the caller **(The voice input message also includes a header that contains an identifier that identifies the user device 100. The identifier may be, for example, the telephone number, IP address, mobile identification number, and the like, of the user device 100, [0023]).**

Claim 17, Infosino teaches the telephone number of the caller is derived from a caller line identity (CLI) **(The identifier is the telephone number, [0006]).**

Claim 18, Infosino teaches automatically associating the transaction service with the command signal based on the call recipient **(other services, such as call waiting, call block, monthly billing request, [0025]).**

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C.103 (a) as being unpatentable over Infosino in view of Wieczorek (EP 1 271 911).

Claim 2, Infosino does not... but Wieczorek teach method of operating a

telephony service wherein the received command signal overrides a conventional billing

protocol of the telephony network supporting the telephony service (the system being of

the type in which calls are normally billed to calling party. Now before the establishment

of the call, called party is presented the charging option where by the called opts to pay

for some or all cost, par. 0009).

Therefore it would have been obvious to the ordinary artisan to incorporate the

teaching of Wieczorek into the teaching of Infosino to clearly provide the option for

either or both calling and called parties an opportunity to pay for some or all the cost of

the telephone transaction. This option would overcome the conventional billing protocol

that has been practiced in the past.

Claim 8 is rejected under 35 U.S.C.103 (a) as being unpatentable over

Infosino in view of Parsons et al (US Pub 2002/0085701).

Infosino teaches operating a telephony service but does not teach the command

signal is appended to a dialed telephone number.

Parsons teaches the feature of appending a message to a dialed number as

Parsons discusses *"the IVR may be further configured to allow certain or all of these*

messages to be appended with numeric information (since callers almost universally will

be able to enter numbers via a phone keypad). For example, the "call me" message can

be appended with the caller's phone number. The IVR 214 provides the messaging

application 210 with the caller's message selection and any appended message

information, [0102]" to provide unified communications and messaging management

based on a user's presence information, (Abstract)".

Therefore it would have been obvious to the ordinary skilled artisan at the time of

the invention was made to incorporate the teaching of Parsons into the teaching of

Infosino for the purpose of enhancing the telephone service by not just sending the

telephone number for connection but also unifying the telephone number and the

appended signal or code of service (e.g., billing, charging, banking, restaurant...) as

one to the recipient.

Claims 3, 9-13 and 19 are rejected under 35 U.S.C.103 (a) as being

unpatentable over Infosino in view of Guibourge (US Pub 2004/0119755).

As to claims 9-13 and 19, Infosino teaches operating a telephony service wherein

initiating the caller and call recipient comprises initiating a transmission of a data signal,

teaches the command signal is received from a telephone, and wherein the telephone,

transmits the command signal

Infosino does not teach:

Dedicated key on a keyboard of a communication device;

a plurality of keys associated with a plurality of transactions, wherein each of the

plurality of keys is associated with a single transaction from among the plurality of

transactions;

wherein the plurality of keys comprise at least one of a "*" key associated with

telephony and billing functions, a "0" key associated with interactive network operator

and information services access, and a "#" key associated with commercial banking

transactions between the caller and the call recipient;

the dedicated key is selected from a group comprising a "@" symbol, a color

coded key, a programmable key, a menu item, and a button; and

the command signal is transmitted from the telephone equipment of the caller by

operation of one individual key on said telephone equipment.

Guibourge teaches "quick dialing methods and systems for use with

communications devices are described. Such communications devices are often

characterized by a limited keypad to enter and access contact numbers. The described

quick dialing technique reduces the number of keys used to dial a number, and thus a

device using the technique may be operated blindly or with one hand, par. 0005).

Furthermore, Guibourge teaches attributes such as colors, sounds, text fonts,

graphics (i.e., pictures, icons, photos, images, animations, and bitmaps), and sorting

methods are optionally assigned to lists and to the contacts within each list. When a

contact is selected or dialed by actuating a key, for example, color and sound attributes

associated with the list containing the contact are displayed, thereby providing visual

and non-visual cues that correct keys have been actuated.

Therefore, it would have been obvious to one of the ordinary skilled in the art at

the time the invention was made to incorporate the teachings of Guibourge into Infosino

for the purpose of providing the greater service to the subscriber who can program their

phone and assign a specific function or service for different key on the pad. Few

examples are listed as banking, movie, school, library, restaurant, friend or family and

many more. It is also leave the choices to the subscriber to assign any specific key to

his or her choice of service. If one would want to associate the "#" key with commercial

banking transactions, it would be his/her choice. If one would want to color-coded or

(illumination) light-code, it would also be his/her choice. Even from the development

perspective, it would also be obvious to practice that it is an engineering design to

assign a specific key of choice to specific function or service for the most convenience.

(Examiner's point of clarification: It is well-known in the art that key "0" was reserved for

the network operator and information services access. However, with the big leap of

telephonic advancement with so many pioneering developments in this filed, greater

demands for better and quick service came along, key "0" is now reserved for

interacting with the network operator while "411" is assigned to the information services

access. Similar in practice, "911" is for emergency).

INQUIRY

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JOSEPH J. NGUYEN whose telephone number is

(571)270-1949. The examiner can normally be reached on Monday to Thursday,

8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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/JOSEPH J NGUYEN/
Examiner, Art Unit 2614